

18 JUNE 1947

I N D E X

of

EXHIBITS

| <u>Doc. No.</u> | <u>Def. No.</u> | <u>Pros. No.</u> | <u>Description</u> | <u>For Ident.</u> | <u>In Evidence</u> |
|---------------------|---------------------|----------------------|--|-----------------------|------------------------|
| 1691 | 2747 | | Affidavit of NAGAI, Yatsuji | | 24578 |
| 1638 | 2748 | | Telegram from Ott to the German Foreign Office dated 18 April 1941 | | 24584 |
| 1637 | 2749 | | Telegram from Rintelen to Stahmer dated 23 April 1941 | | 24584 |
| | | | <u>MORNING RECESS</u> | | 24599 |
| | | | <u>NOON RECESS</u> | | 24610 |
| 1629 | 2750 | | Official Transcript of the IMTFE sitting at Nuernberg, Germany on 15 January 1946 | | 24612 |
| 1643 | 2750-A | | Excerpt from Book entitled "Nazi Conspiracy and Aggression" | | 24612 |
| 1519 | 2751 | | Affidavit of Alfred F. Kretschmer | | 24615 |

18 JUNE 1947

I N D E X
Of
WITNESSES

Defense' Witnesses

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NAGAI, Yatsuji

24578

Direct by Mr. Cunningham

24578

(Witness excused)

24583

Kretschmer, Alfred F.

24615

Direct by Mr. Cunningham

24615

Cross by Mr. Tavenner

24619

AFTERNOON RECESS

24634

Cross by Mr. Tavenner (cont'd)

24635

1 Wednesday, 18 June 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with
14 the exception of: HONORABLE JUSTICE E. H. NORTHCROFT,
15 Member from the Dominion of New Zealand, not sitting from
16 0930 to 1600 and HONORABLE JUSTICE HENRI BERNARD, Member
17 from the Republic of France, not sitting from 1120 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 (English to Japanese and Japanese
22 to English interpretation was made by the
23 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Cunningham.

4 MR. CUNNINGHAM: If the Tribunal please, I
5 now offer in evidence defense documents 1437, 1438
6 and 1439, statements prepared by the late MATSUOKA,
7 Yosuke during the time of the 1st to the 22d of
8 January 1946, accompanied by the affidavit of his
9 son, or certificate of his son, MATSUOKA, Kenichiro.
10 I will only read now the second document, No. 1438,
11 entitled "How the Tripartite Pact was made," to show
12 the circumstances which led to the conclusion of the
13 pact.
14

15 I want to add this: MATSUOKA was not charged
16 at the time the statement was made as an accused in
17 this case. The issue which this is to meet is the
18 issue concerning the policy of Japan while MATSUOKA
19 was one of the leaders of the Japanese Government,
20 together with his views and reasons for the policy
21 which he advocated.

22 THE PRESIDENT: Mr. Carr.

23 MR. COLYNS CARR: May it please the Tribunal,
24 the prosecution objects to these three documents and
25 submits that they are in principle covered by the ruling
given yesterday with regard to interrogations.

1 THE PRESIDENT: They can only be tendered on
2 behalf of other accused. Therefore, they are covered
3 by the ruling and are inadmissible.

4 The objection is upheld and the documents
5 rejected.

6 MR. CUNNINGHAM: Well, your Honor, shouldn't
7 I be permitted to point out the distinction between
8 this document and the one that was covered by the
9 ruling yesterday?

10 THE PRESIDENT: You said they were statements
11 made to prosecuting officers although before any
12 charge was made. That's enough.

13 MR. CUNNINGHAM: But I should think I should
14 be entitled to answer the objection of the prosecution.

15 THE PRESIDENT: That was your answer, although
16 you elected to put it before you heard the objection
17 by Mr. Carr.

18 MR. CUNNINGHAM: Your Honor, I think it is
19 highly unfair to rule--
20

21 THE PRESIDENT: If you use that expression
22 again I will suspend you, or the Tribunal will. You
23 will withdraw it, too.

24 MR. CUNNINGHAM: I didn't understand.

25 THE PRESIDENT: You will withdraw that expres-
sion "It is unfair."

1 MR. CUNNINGHAM: Well, I hadn't completed my
2 thought and my reasons, but I withdraw that statement
3 for the reason that I was not permitted to go on and
4 explain my reasons for making the statement.

5 THE PRESIDENT: It is clearly covered by the
6 Court's well-considered decision given yesterday, the
7 decision given after hearing the parties fully.

8 MR. CUNNINGHAM: Well, your Honor, I assure
9 you if I had any idea that this document was covered
10 by your ruling yesterday I would not have offered
11 the document into evidence. No. 1.

12 No. 2, several of my associate counsel have
13 suggested to me that they did not feel the matter had
14 been given considered judgment, and that it should be
15 reopened for consideration.

16 THE PRESIDENT: The record is the answer. The
17 discussion is closed.

18 MR. CUNNINGHAM: The next group of witnesses
19 and documents covering the period approximately from
20 the beginning of 1941 until December of the same year
21 will show that after the conclusion of the Tripartite
22 Pact Japan was always faithful to the original peaceful
23 ideal of the pact despite German urgings to attack
24 Singapore and Soviet Russia, and that between Japan and
25 Germany there was no close collaboration.

1 As the first item of this group I take up the
2 trip of Foreign Minister MATSUOKA to Europe in April
3 1941, and call witness NAGAI, Yatsuji, with the Court's
4 permission, concerning affidavit defense document 1691.
5 The testimony of this witness will concern prosecution's
6 exhibits 567, 568, 569, 573 and 584.

7 I ask the bailiff to call Witness NAGAI.

NAGAI

DIRECT

1 Y A T S U J I N A G A I, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

DIRECT EXAMINATION

BY MR. CUNNINGHAM:

7 Q Witness, will you give your full name and
8 your address?

9 A My name is NAGAI, Yatsuji. My address, 776
10 1 chome, Kamiyama-machi, Setagaya-ku, Tokyo.

11 MR. CUNNINGHAM: I ask that the witness be
12 handed defense document 1691.

13 (Whereupon, a document was handed to
14 the witness.)

15 Q I ask you to look at defense document 1691
16 and state whether or not that is your affidavit?

17 A This is my affidavit.

18 Q And I ask you to state whether or not the
19 statements contained therein are true?

20 A Yes.

21 MR. CUNNINGHAM: I offer in evidence defense
22 document 1691, the affidavit of NAGAI, Yatsuji, and
23 offer to read the same in evidence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 1691

NAGAI

DIRECT

1 will receive exhibit No. 2747.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 2747 and received in evidence.)
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NAGAI

DIRECT

1 MR. CUNNINGHAM: Skipping the formal parts:

2 "Deponent: NAGAI, Yatsuji.

3 "In accordance with the procedure in my country
4 having first sworn an oath as on attached sheet, I
5 hereby depose as follows.

6 "I, NAGAI, Yatsuji, state under oath as follows:

7 "1. My present address is No. 776, 1-chome,"
8 and so-and-so, "Tokyo.

9 "I was serving since June 1938 in the Military
10 Affairs Bureau of the War Ministry. In February 1941,
11 when Foreign Minister MATSUOKA's visit to Europe was
12 decided, I was ordered to accompany him. At that time
13 I was a Colonel. On this occasion I received no special
14 instruction from the Army, but was simply told that as I
15 have never been to Europe I should take this opportunity
16 to go and see Europe by this chance.

17 "As far as the army was concerned, the Chief of
18 Staff made a request to Foreign Minister MATSUOKA not to
19 make any operational or strategical commitment to
20 Germany, and I was specifically reminded by the Chief of
21 Staff to assist MATSUOKA concerning this point to the best
22 of my ability and to see to it with utmost care that the
23 operational activities of the army in the future would
24 not be shackled in any respect.

25 "When General SUGIYAMA, then Chief of Staff, came

1 to the Tokyo station on the night of 12 March 1941 to see
2 Foreign Minister MATSUOKA off, he reminded me again of
3 this point.

4 "In connection with this matter I had an intimate
5 talk with Foreign Minister MATSUOKA on the boat between
6 Shimonoseki and Fusan.

7 "At that time Foreign Minister MATSUOKA told me,
8 'Concerning this point I am also well informed of the
9 intention of the army, and I will give no commitment
10 whatsoever, and this is quite natural considering the
11 purpose of this trip to Europe. So you need not be
12 worried at all.'

13 "We were met by Mr. Stahmer at a station on the
14 border of the German and Russian spheres of influence.

15 "Concerning the question of what Foreign Minister
16 MATSUOKA told Hitler, Ribbentrop, Goering and others
17 after the arrival in Germany, I never personally attended
18 the conferences between them and cannot say anything with
19 responsibility. MATSUOKA, however, told us from time
20 to time of the conversations in an informal manner. I
21 remember that Foreign Minister MATSUOKA told me on
22 those occasions that, although the question of Singapore
23 had been raised by the German side, I could be well
24 assured as he had made no commitment whatsoever.

25 "Upon my return to Tokyo I reported this fact to

NAGAI

DIRECT

1 War Minister TOJO and Chief of Staff SUGIYAMA.

2 "2. As far as I remember, Ambassador OSHIMA
3 attended only the first courtesy call of Mr. MATSUOKA
4 on Hitler and Ribbentrop. Whether Mr. OSHIMA was con-
5 sulted beforehand or informed afterwards regarding the
6 conversations of Mr. MATSUOKA which he did not attend,
7 I do not know. I know that relation between MATSUOKA
8 and OSHIMA in Berlin were rather cold.

9 "I had in Berlin several conversations with
10 Mr. OSHIMA. What I heard from Mr. OSHIMA was merely
11 various information concerning Germany and the European
12 War, and Mr. OSHIMA never expressed opinion with respect
13 to political and military measures to be taken by Japan
14 in connection therewith.

15 "On this 29th day of May, 22nd Year of Showa
16 (1947)."

17 Signed "NAGAI, Yatsuji."

18 You may cross-examine.

19 THE PRESIDENT: Mr. Tavenner.

20 MR. TAVENNER: If the Tribunal please, the
21 prosecution does not desire to cross-examine the witness,
22 but the Tribunal's attention is called to prosecution
23 exhibit 569, page 6,452 of the transcript, which is a
24 telegram from Ott to the Reich Foreign Minister of
25 February 10, 1941, stating--

1 THE PRESIDENT: A mere reference is sufficient.

2 MR. TAVENNER: That is right.

3 MR. CUNNINGHAM: Your Honor, this practice
4 has been engaged in in the past, and I object to the
5 prosecution inserting a review of their case in the
6 defense case.

7 THE PRESIDENT: There is no need for your
8 protest. The Tribunal itself took action.

9 I don't suppose you want the witness again
10 today?

11 MR. CUNNINGHAM: I presume the witness may
12 be excused on the usual terms?

13 THE PRESIDENT: He is excused accordingly.

14 (Whereupon, the witness was excused.)

15 MR. CUNNINGHAM: I now offer in evidence
16 defense document No. 1638, a telegram from Ott to the
17 German Foreign Office, dated 18 April 1941, and defense
18 document No. 1637, a telegram from Rintelen to
19 Stahmer dated 23 April 1941. These documents show
20 that the minutes of conversations in Berlin were not
21 handed to MATSUOKA by the German Foreign Office despite
22 MATSUOKA's request, and that the records of conversa-
23 tions tendered by the prosecution as evidences were
24 considered by the German Foreign Office as not offi-
25 cial and accurate.

1 THE PRESIDENT: Admitted on the usual terms.

2 MR. CUNNINGHAM: Has distribution been made?

3 The document has not been given an exhibit, I presume.

4 CLERK OF THE COURT: Defense document 1638
5 will receive exhibit No. 2748, and defense document
6 bearing the same document number but a separate tele-
7 gram will be given exhibit No. 2749.

8 THE PRESIDENT: We can't follow that.

9 CLERK OF THE COURT: Defense document 1637
10 will receive exhibit No. 2749.

11 MR. CUNNINGHAM: I now read exhibit 2748.

12 THE PRESIDENT: Not yet, Mr. Cunningham.

13 Defense document 1637 has been given exhibit
14 No. 2748. Defense document 1638 has been given
15 exhibit No. 2749.

16 MR. CUNNINGHAM: I have it just the opposite,
17 your Honor.

18 THE PRESIDENT: The numbers will be as I have
19 said.

20 (Whereupon, document No. 1637 was
21 marked defense exhibit No. 2748 and received
22 in evidence; and document No. 1638 was marked
23 defense exhibit No. 2749 and received in
24 evidence.)

25 MR. CUNNINGHAM: I now read defense document

1 1638, which has been given exhibit No. 2749, as I
2 understand it.

3 "Harbin, 18 April 1941, 5.20 hours.

4 "Arrival, 18 April 1941, 15.45 hours.

5 "No. 21 of 18.4. Urgent! For the Secretary
6 of State.

7 "The Japanese Foreign Minister cabled to me
8 a request from the Russian train that the official
9 memorandums concerning the conversations with the
10 Fuehrer and the Foreign Minister during the visit in
11 Berlin be handed to him. I request telegraphic
12 answer to Tokyo, whether such memorandums have been
13 dispatched with a courier and can be handed over.
14 Otherwise I propose to cable to me short words also
15 concerning individual questions. The Foreign Minister
16 arrives in Tokyo on 22 April with an aeroplane on
17 the next day of my arrival."

18 Signed "Ott Ponschab."

19 Ponschab was the German Consul-General in
20 Harbin. Ott was on his way from Berlin to Tokyo in
21 Harbin at the time.
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1 I now read from defense document 1637,
2 exhibit 2748:

3 "Telegram

4 "(open)

5 "Special Train: 23 April 1941 2235 hours

6 "Arrival: 23 April 1941 2300 hours

7 "Teletype to the Minister-Bureau Berlin

8 "Through the Secretary of State and C.

9 S. Pol. to Ambassador Stahmer.

10 "No. 300

11 "The Foreign Minister requests you to tell
12 conclusively to Ambassador OSHIMA, concerning the
13 misunderstandings occurred to Mr. Matsuoka about the
14 promise presumably given by the Foreign Minister to
15 place the excerpts of the records of conversations
16 with the Fuhrer and the Foreign Minister at his dis-
17 posal, that here must have been in this matter a
18 misunderstanding. Such a promise on the part of
19 the Foreign Minister was not given and could also
20 not at all be given, because such excerpts are not
21 made by us as a matter of principle. The Minister
22 Schmidt took note only of catchwords for the pur-
23 pose of translation. Ambassador OSHIMA will be
24 asked to inform Mr. Matsuoka in this sense.
25

1 "In the same sense Ambassador Ott is also
2 to be informed telegraphically.

3 "Wien, 23 April 1941

4 "Rintelen"

5 Rintelen was an official in the German for-
6 eign office accompanying Ribbentrop in German GHQ
7 special train.

8 I now offer in evidence defense document
9 1449, taken from the official transcript in Nuernberg
10 on the 28th, 29th and 30th of March and 1st of April,
11 1946, which is a record of the examination of accused
12 Ribbentrop as witness, by defense counsel. Official
13 transcripts of the proceedings at Nuernberg of 28
14 and 29 March and 1 April 1946 are now offered for
15 identification. Official transcript of March 30,
16 1946 is already marked as exhibit 2692, and I might
17 point out that a part of defense document 1449, that
18 is, the second paragraph of page 4, is in evidence
19 as exhibit 2692A.

20 I wish at this stage only to read from
21 the last paragraph of page 5, to the end (question
22 by counsel Siemers for Admiral Raeder), to show
23 that Ribbentrop revealed that he did not tell the
24 truth to MATSUOKA. This particular conversation
25 between MATSUOKA and Ribbentrop is in evidence as

1 exhibit 580, transcript page 6522-6532, in which
2 Ribbentrop informed MATSUOKA of the opinion of
3 Raeder about the Singapore question. According
4 to our documents now to be tendered, Ribbentrop
5 says that he never discussed with Raeder the
6 Singapore question.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: May it please the
9 Tribunal, we desire to object to this document as
10 a whole and, alternatively, to the first two pages
11 of it, which my friend does not now propose to read,
12 but which, if admitted in evidence, might be read
13 at some other time.

14 First of all, as a whole, in our sub-
15 mission, the statements by Ribbentrop were made
16 in the course of his own trial in Nuernberg and
17 are, in principle, just as much objectionable as
18 similar statements of Japanese alleged conspira-
19 tors. In our submission, the principle of the
20 ruling given yesterday applies to this. I think
21 that there has been one extract from Ribbentrop's
22 evidence which was admitted without objection, but
23 at this stage we desire to raise the question for
24 consideration.

25 If this had been a contemporaneous state-

1 ment by Ribbentrop we would not have raised any
2 objection to it, but, in our submission, a state-
3 ment made after the issue has been raised, and
4 made in his own defense, cannot be any more
5 admissible because it was made in Nuernberg and not
6 in Tokyo, nor because it was made in the course of
7 his trial instead of in the course of a private
8 interrogation.

9 The second objection applies to the whole
10 of page 1, and to the whole of page 2 with the
11 exception of the last two questions. In that
12 part of the evidence Ribbentrop describes, or pur-
13 ports to describe, the circumstances under which
14 Germany entered into a Non-Aggression Pact with
15 Russia in 1939, and other arrangements made between
16 Germany and the USSR in that connection, with re-
17 gard entirely to European questions. In our sub-
18 mission, that subject matter is irrelevant to any
19 question which this Tribunal has to consider.
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18 mission, that subject matter is irrelevant to any
19 question which this Tribunal has to consider.
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1 THE PRESIDENT: Mr. Cunningham.

2 MR. CUNNINGHAM: Your Honors, in response to
3 the first objection, that the statement was not made
4 contemporaneously with the documents which are con-
5 cerned, it is utterly impossible for the witness to
6 make a contemporaneous statement about a matter until
7 it becomes an issue; and, if Mr. Ribbentrop were alive
8 today, I believe that he would be able to come to
9 court and testify as to the explanation of these
10 telegrams and the information which he sent to Japan
11 at the time he was carrying on these negotiations
12 just as Mr. Stahmer was permitted to testify as to
13 his part in the negotiations. What he said on direct
14 examination at Nuernberg in explanation of these
15 matters is the best evidence available, and he was
16 ably and thoroughly cross-examined, and that is
17 available to the prosecution.

18 I call attention to Article 14, Section d
19 of the Charter, which says: "The Tribunal shall
20 neither require proof of facts of common knowledge,
21 nor of the authenticity of official government docu-
22 ments and reports of any nation, nor of the proceed-
23 ings, records and findings of military and other
24 agencies of any of the United Nations," indicating
25 that that evidence was admissible.

1 On the second objection, concerning the Non-
2 Aggression Pact, that is a serious question here be-
3 cause we contend that the German-Russian Non-Aggression
4 Pact disrupted the relations between these two nations,
5 creating an impossible situation and preventing any
6 collaboration or agreement between them for a defi-
7 nite period of time. I submit that evidence of this
8 nature would be admissible in any court of record.
9 The prosecution has certainly taken excerpts from
10 trials which are advantageous to them, and, certainly,
11 we should be able to take the best evidence available
12 as to what the individuals involved in the issues
13 here have said under oath before a high tribunal.

14 You must appreciate that it would be impos-
15 sible for Mr. Ribbentrop to explain the prosecution's
16 evidence here. Under the circumstances, we must go
17 back and find what he said before to explain what
18 they have introduced, after his death, into the
19 record. I submit that this evidence goes to the very
20 heart of Count 5 of the Indictment and, certainly,
21 it has a very direct and intimate bearing upon all
22 of the issues raised in that count. I cannot see how
23 the Court could possibly reject this evidence in order
24 to get both sides of the question when it is given by
25 the man who is charged under the Court's own admission

1 as being one of those divers other persons included
2 in the charge in this indictment. The Court has al-
3 ready accepted the prosecution's explanation of their
4 evidence. We offer the defense explanation of their
5 documents and of the evidence by the best authority
6 available.

7 THE PRESIDENT: I am not making any pronounce-
8 ment on this but putting points to you for elucida-
9 tion, Mr. Cunningham. What an alleged conspirator
10 says in the course of carrying out the conspiracy
11 is undoubtedly admissible; but, what a suspected
12 conspirator says in answer to interrogation by the
13 police is not admissible as we decided yesterday in
14 the case of MATSUOKA. Now, what Ribbentrop said
15 during his trial at Nuernberg was said in answer to
16 a charge and was exculpatory of him. Is there any
17 substantial difference in principle between the
18 deposition of Ribbentrop and that interrogation of
19 MATSUOKA?

20 As I am reminded by a colleague, if we admit
21 Ribbentrop's statements under those circumstances
22 on behalf of any of the accused here, won't we be
23 obliged to admit his statements against them for the
24 same reason?

25 MR. CUNNINGHAM: Taking your five points,

1 your Honor, in their order, I would say as to the
2 first one, what he says in the course of carrying out
3 the conspiracy is admissible. There is no doubt about
4 that because that is the prosecution's proof of the
5 allegations which they must establish.

6 Now, your second point, what a suspected one
7 says is not admissible: By the same token, what a
8 suspected person says in explanation and exculpation
9 of what he is charged with saying in carrying out the
10 object of the conspiracy is admissible because you
11 cannot charge a man with a crime and not give him an
12 opportunity to explain the circumstances surrounding
13 the acts with which he is charged as being criminal.

14 THE PRESIDENT: When the suspect is being
15 interrogated by the police, of course, the conspiracy
16 is long over, and what he says to the police is not
17 in the course of carrying out the conspiracy.

18 MR. CUNNINGHAM: Your Honor, you and I are
19 as far apart as the poles on that proposition because
20 I cannot see, by the same token, where you charge a
21 man with something, that you do not give him -- you
22 must give him the opportunity to explain and to
23 amplify and to look beyond and see what his object
24 and his purpose was; and the only manner that I can
25 show now what Ribbentrop says in explanation of his

1 acts and deeds with which he is charged is to bring
2 what he said when the charge was proposed against
3 him.

4 THE PRESIDENT: Ribbentrop is not indicted
5 here; he is dead, in any case. You are attempting to
6 use his statements at Nuernberg on behalf of others.
7 If Ribbentrop were in that dock today, of course,
8 we would allow what he said previously in exculpa-
9 tion of himself, that is in his own favor, but not
10 in behalf of other accused, as we decided in MATSUOKA's
11 case.

12 MR. CUNNINGHAM: Well, I am still on your
13 second point, your Honor, and I would only have this
14 to say: that, if Ribbentrop were alive today,
15 whether he be an accused or not an accused, he would
16 be the logical man to come here to explain the prose-
17 cution's evidence, what they said against him, what
18 they say against these individuals, and to mitigate
19 and to show the intention of the parties concerning
20 these documents; and this is the only way we can
21 explain them, by the man who originated them.

22 You see, that resolves itself down to the
23 simple question, your Honor, does the fact that Ribben-
24 trop is dead determine whether or not his evidence
25 should be admissible here? That is your second

1 proposition.

2 On the third proposition which you have
3 suggested, what he said excuses him: Ribbentrop is
4 not charged here. He is just like any other indi-
5 vidual here, unless I must take, from what you said
6 yesterday, that he is considered as one of those
7 divers other persons who conspired with these indi-
8 viduals.

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1 Now, still on the third proposition, if
2 Ribbentrop were alive I would not have found it
3 necessary to call Ambassador Stahmer to testify and
4 his testimony would be much more valuable as explaining
5 the German participation in the 3-way conspiracy charged
6 against the leaders of the three nations. There is
7 no doubt but what we must have in this case both sides
8 of this question before we can make any kind of a
9 determination. We have the prosecution's side and
10 now I am offering the defense side and by the best
11 authorities, what they have said concerning the vital
12 issues in this case. This case cannot be determined
13 without first knowing what the other side of this
14 question is by the men who were carrying on the
15 negotiations, the agreements, with which the parties
16 are charged were not proper for nations to do.

17 I believe that on your third proposition
18 this evidence is clearly admissible to explain and to
19 enlarge upon these documents and the evidence of the
20 prosecution as to what the real facts and situation
21 was in Germany at the time, not just what the prosecu-
22 tion's documents say it was.

23 On the fourth proposition, the difference
24 between Ribbentrop and MATSUOKA is quite a marked
25 difference, I think. We have many witnesses here in

1 Japan who can testify as to what MATSUOKA thought,
2 what MATSUOKA said and what MATSUOKA did, but we are
3 a little handicapped in bringing witnesses from Germany
4 and getting statements from Germany of people who
5 understood what the German side of this 3-way charged
6 conspiracy thought, said and did. If I could have
7 Minister Schmidt or someone who was in the German
8 Foreign Office with Ribbentrop, I believe his testimony
9 would be admissible as to what Ribbentrop said and what
10 Ribbentrop did and how Ribbentrop explained this
11 matter after the charge was made in order that he
12 could throw light upon the significance of things
13 which were being misinterpreted.

14 Continuing with your fourth suggestion on
15 the difference -- I think that is my main difference
16 between Ribbentrop and MATSUOKA but I cannot help but
17 believe, your Honors, that if MATSUOKA were alive today
18 what he would say from that witness box would be sig-
19 nificant in this case and the fact that he is dead I
20 cannot avoid, but I cannot believe that his testimony
21 would be rejected if he were alive.

22 THE PRESIDENT: If he were alive he would be
23 an accused and he would go into the box and be allowed
24 to give that evidence, of course, on his own behalf.

25 MR. CUNNINGHAM: Ribbentrop was alive when this

1 case started and I have only preserved his testimony
2 by using the Nuernberg testimony. It would be certain-
3 ly unnecessary for him to say the same thing for me
4 in an interrogation to use in this trial as he said
5 in Nuernberg in response to the questions by some
6 other defense counsel or prosecutor. That is the way
7 I look at that.

8 THE PRESIDENT: If Ribbentrop were alive he
9 would still not be an accused here and so not be in
10 the same position as MATSUOKA, but I am tired of
11 making the obvious clear.

12 MR. CUNNINGHAM: On the fifth suggestion made
13 by your Honor on whether or not the evidence should
14 be for or against, I am not interested in whether
15 evidence is for or against. All I am interested in
16 is showing to this Tribunal the facts and let the
17 Tribunal determine whether or not it is for or against.
18 All I am interested in is enlightening, explaining,
19 and showing the background and the significance in
20 the only explanatory manner which we have and that is
21 what the parties involved said.

22 I contend that this evidence is in favor of
23 these gentlemen in the dock and will help to acquit
24 them, and I certainly ought to be entitled to introduce
25 that evidence and I am not concerned whether or not

1 the prosecution has been eliminated from showing
2 something which might have been against on account
3 of some technical rules of evidence which might have
4 precluded that because I am not in favor of applying
5 technical rules of evidence which prevent statements
6 coming in which might be against.

7 Now on the last proposition, I think that
8 anything that can be said or anything that can be
9 shown or anything that can be mustered which is
10 favorable to the acquittal of these defendants is
11 admissible in evidence in this Court under the Charter,
12 under the rules and by all fair standards of democratic
13 trial of cases. That is the way I feel about this
14 document. I think it ought to be admitted. I think
15 it has a direct bearing and I think under our system
16 that we have adopted in the Charter that we cannot
17 conscientiously reject it.

18 THE PRESIDENT: We are interested only in
19 your submissions so far as they can be properly made
20 by a lawyer and in appropriate language, the language
21 a lawyer uses. We are not concerned about the indi-
22 vidual opinions and thoughts of any lawyer. We want
23 his submissions.

24 We will recess for fifteen minutes.

25 (Whereupon, at 1047, a recess was

1 taken until 1120, after which the proceedings
2 were resumed as follows:)

3 MARSHAL OF THE COURT: The International
4 Military Tribunal for the Far East is now resumed.

5 THE PRESIDENT: Mr. Cunningham, have you
6 finished your argument?

7 MR. CUNNINGHAM: Yes, sir.

8 THE PRESIDENT: We so understood.

9 By a majority, the Tribunal sustains the
10 objection in full and rejects the document wholly.

11 MR. CUNNINGHAM: I now offer in evidence
12 defense document 1629, another excerpt from official
13 transcript of the proceedings at Nurnberg on 15
14 January, 1946, official transcripts of the Proceedings
15 at Nurnberg of 15 January. That is a statement made
16 by prosecutor Mr. Eluyn Jones in tendering evidence
17 against the accused Raeder, in which it was made
18 clear that Hitler's communication to MATSUOKA
19 was designed entirely as a camouflage measure. This
20 refers to prosecution's exhibit No. 577, transcript
21 pages 6485-6498; and No. 582, transcript pages
22 6537-6545, which are records of conversations
23 between MATSUOKA and Hitler.
24
25

1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: The prosecution is aston-
3 ished that this document should be tendered in the
4 face of the Tribunal's ruling just delivered.

5 It consists of three parts. The last is a
6 further extract from Ribbentrop's testimony at the
7 Nuernberg trial, the middle one is an excerpt from
8 Keitel's testimony at the Nuernberg trial, and the
9 first one, which alone my friend has mentioned, is
10 a portion of the speech by counsel at the Nuernberg
11 trial.

12 MR. CUNNINGHAM: Well, your Honors, I can
13 understand how the prosecutor would be astonished to
14 find that one of his documents was only used by Hitler
15 as a camouflage measure, but I cannot understand why
16 he is astonished at us introducing evidence.

17 You see, this document was commented upon at
18 Nuernberg in the trial, and I should think that if
19 they introduce it for one purpose and this prosecutor
20 introduces it for another purpose, and they show it
21 was only a camouflage, and you are asked to believe
22 that the contents of the documents are true, and the
23 lives of men should depend upon it, I think it is
24 material.

25 THE PRESIDENT: On what ground can we possibly

1 admit part of counsel's speech at Nuernberg?

2 MR. CUNNINGHAM: Well, your Honor, you are
3 being asked to take this document at its face value
4 by the prosecutor here, and the Tribunal at Nuern-
5 berg was asked to take the document at just the opposite.
6 That is very significant to me. It may not be to you.
7 Now, you rely pretty much upon what the prosecutor --
8 introduction of documents, what it does for the parties,
9 and I presumed that you would follow that same practice
10 in relying, or at least observing, what other prosecu-
11 tors think about that particular document when they
12 are introducing it for another purpose.

13 THE PRESIDENT: Are the documents referred
14 to by the Nuernberg counsel already in evidence in
15 this trial? They may be, and in those circumstances
16 we might invite the prosecution here to consider what
17 was said, but that is another matter entirely. The
18 prosecution here, as you must understand, are not
19 controlled by the prosecution in Nuernberg. There
20 were four nations represented there; there are seven
21 represented here -- eleven I should say, seven more.
22 Only a minority of the nations represented here were
23 represented in Germany.
24

25 MR. CUNNINGHAM: Well, your Honor, I call your
attention to the first page here; it is C-152, Great

Britain 122, which is prosecution exhibit 574 here.

1 On the first page. There is no question but our later
2 evidence will show that this conversation reported
3 by Ribbentrop and MATSUOKA was camouflage and propaganda,
4 but I want to show as background here that the document
5 is not actually what it is supposed to be as represented
6 by the prosecution here.

7 THE PRESIDENT: Mr. Cunningham, I want you
8 to answer this question I will put to you: are the
9 documents referred to by the Nuernberg counsel -- I
10 take it he was an Englishman for the prosecution --
11 namely, C-170 and C-66, in evidence here?

12 MR. CUNNINGHAM: I can say definitely that
13 C-152 on page 1, GB-122, is our exhibit 574, and C- 66
14 is our exhibit -- C-66 on the following page is not
15 our exhibit.
16

17 THE PRESIDENT: There is this consideration,
18 Mr. Cunningham and Mr. Comyns Carr, that if those
19 documents just referred to are not immediately available
20 we may waive that rule we have about documents because
21 you could get no greater verification in favor of the
22 defense at all events than the statement of English
23 counsel for the prosecution where it favors the accused,
24 and we may accept the statement so far as it discloses
25 the contents of the two documents that I just referred to.

1 MR. COMYNS CARR: Your Honor, if that is the
2 sole purpose we should raise no objection. C-152 is
3 in evidence, as my friend says -- the document referred
4 to on page 1. C-170, the first document referred to
5 on page 2, is not in evidence in this trial. C-66,
6 the document referred to at the bottom of page 2, is
7 not in evidence at this trial but I understand it is
8 the next document my friend is offering, his defense
9 document No. 1643.

10 What my friend is seeking to do here is to
11 put in a document which we haven't used and then to
12 put in another document to attribute a different mean-
13 ing to the document we haven't used from the meaning
14 which he says we attributed to it and for which reason,
15 of course, as we didn't use it, we never attributed a
16 meaning to it.

17 However, if my friend likes to put in both
18 documents, the prosecution has no objection but we
19 submit they should go in in full rather than the very
20 short extracts to be found here.

21 THE PRESIDENT: That is the correct way to
22 do it. We do not admit parts of documents as a rule.
23 And Mr. Cunningham can adopt English counsel's argu-
24 ment if it helps him.

25 MR. CUNNINGHAM: Well, your Honor, it is the

1 absolute theory of our defense in this Singapore ques-
2 tion of the case that it was a matter of propaganda and
3 not a matter of real genuine agreement between the
4 parties, and the propaganda emanated from Germany; and
5 that is the purpose of showing these documents, to
6 show it was not a genuine agreement between the parties
7 but it was only propaganda on the part of Germany to
8 draw Japan into the war against Britain.

9 MR. COMYNS CARR: Your Honor, in my submission
10 either my friend puts in the documents and puts them
11 in in full or he doesn't. This is not the occasion
12 for making a speech about them.

13 MR. CUNNINGHAM: Well, your Honor, I, of
14 course, do not take my orders from my friend here on
15 my right and I disregard what he has said. I only
16 take my orders from the Tribunal.

17 THE PRESIDENT: Nearly always.
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1 MR. CUNNINGHAM: I will make a search for
2 this document. I brought back all of the documents
3 from Germany that I had available there which bore on
4 this particular subject, and I can only offer the ones
5 which I have and account for the ones which are not
6 available.

7 THE PRESIDENT: We will admit C-170 and C-66
8 if they are tendered. Of course, we are admitting no
9 part of Mr. Jones' statement. So far as it helps you,
10 you can adopt his argument. Even the prosecution may
11 give it respectful consideration, but that is a matter
12 for them.

13 MR. CUNNINGHAM: Well, your Honor, I am quite
14 sure that the prosecutor does not want to claim for a
15 document anything that it does not mean, and an out-
16 right statement by this British counsel, I thought,
17 since it was a part of the official transcript of the
18 Nuernberg proceedings, would be admissible in this case.

19 THE PRESIDENT: We admit the documents if
20 tendered.

21 MR. CUNNINGHAM: Well, I now offer a book
22 "Nazi Conspiracy and Aggression," Vol. VI, for identi-
23 fication and tender an excerpt therefrom, defense docu-
24 ment 1643, in evidence. This book is a compilation of
25 documents of the Nuernberg trial, issued by the office

1 of the United States chief of counsel for prosecution
2 of Axis criminality and printed by the United States
3 Government. Defense document 1643 is an excerpt from
4 an evidence accepted and marked as GB-81 by the Inter-
5 national Tribunal at Nuernberg, to which prosecutor
6 Jones referred in his statement, which has been offered.

7 MR. COMYNS CARR: Your Honor, the prosecution
8 has no objection to this document if it is tendered in
9 full. No explanation has been made under rule 6-B-1,
10 as far as we are aware, for the excerpt to be allowed,
11 and in our submission it is misleading without the con-
12 text and also without document C-170, on which it is
13 supposed to be a comment.

14 THE PRESIDENT: Well, it may be a lengthy
15 document, and only the excerpt may be relevant. Sub-
16 ject to compliance with the rules, we may be prepared
17 to admit the excerpt and allow the prosecution to
18 tender the balance later.

19 MR. COMYNS CARR: Your Honor, I have looked at
20 the balance and in our submission, in order to under-
21 stand the excerpt, it is necessary to look at the bal-
22 ance.

23 THE PRESIDENT: Well, we have permitted one
24 side to tender merely an excerpt and to leave the other
25 side tender the balance, but that is subject to our

1 rules, of course, which have not been complied with,
2 I understand.

3 MR. CUNNINGHAM: Well, your Honor, I submit
4 that the document has been on file.

5 THE PRESIDENT: Formerly, you required a
6 specific order of the Court in Chambers, but laterally
7 that was obviated by getting an agreement of the parties,
8 and I understood there was some common understanding
9 about those matters.

10 MR. CUNNINGHAM: Well, that is my understand-
11 ing, your Honor, that we deposit the document, or the
12 book from which it is taken, and if the prosecution
13 looks it over and wants the rest of it and makes a
14 demand, that we furnish it. But, it is my submission
15 that the other features of this document are irrelevant,
16 and they would not do you any good, and that is the
17 reason why I have not offered the rest of the document.

18 THE PRESIDENT: Well, the admission at this
19 stage would appear to need an order in Chambers or an
20 agreement of the parties.

21 MR. CUNNINGHAM: That is definitely not my under-
22 standing of the rule, your Honor. My understanding is
23 that if the prosecution makes a demand upon us, that we
24 give them the balance and not wait until we present it
25 in court and then objection is made to it and then we

1 find ourselves in a situation where we have to go
2 back and backtrack.

3 THE PRESIDENT: Are you pressing your objection,
4 Mr. Carr, on the ground of non-compliance with the rules
5 or the absence of an agreement?

6 MR. COMYNS CARR: Not if I may be just allowed
7 to explain why, in our submission, the excerpt is mis-
8 leading by itself. The document from which it is ex-
9 tracted was written on the 10th of January, 1944, by
10 Raeder, addressed to another German admiral, and is a
11 long argument designed to show that Raeder had opposed
12 the attack upon Russia in June, 1941, and was not
13 responsible for the disasters which had resulted from it
14 and that it occurred by the personal insistence of
15 Hitler.

16 Furthermore, this excerpt is meaningless with-
17 out the document with which counsel at Nuernberg was
18 contrasting it and with which my friend seeks to con-
19 trast it, but which we have not so far used here at all.

20 THE PRESIDENT: Of course, if it is Raeder's
21 self-justification, I think we should have the lot,
22 Mr. Cunningham, if it is not very lengthy. He might
23 write ten volumes on that subject, and we would not
24 care to read them all, but we should have the other
25 document in any event.

1 Well, think it over during the luncheon ad-
2 journment to see if you cannot arrive at some sensible
3 agreement.

4 We will adjourn until half past one.

5 (Whereupon, at 1200, a recess was
6 taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

THE PRESIDENT: Mr. Cunningham.

MR. CUNNINGHAM: If your Honor please, I believe we have arrived at a solution of the problem, to begin reading on page 2 of defense document 1629 down to "...Singapore." And read document 1643 as it appears, with the explanation that Mr. Carr makes of the Raeder matter acceptable.

MR. COMYNS CARR: I agree, your Honor. Of course, that doesn't let in the remainder of defense document 1629.

THE PRESIDENT: Wait until the Judges get their copies, Mr. Cunningham.

MR. CUNNINGHAM: I ask that document 1629 be given an exhibit number.

THE PRESIDENT: Both documents are admitted on the usual terms.

CLERK OF THE COURT: Defense document 1643, being the book entitled "Nazi Conspiracy and Aggression" will receive exhibit No. 2750. The excerpt therefrom

will be given exhibit No. 2750-A.

1 THE PRESIDENT: Well, this will be the
2 numbering: Defense document 1629 will be given exhibit
3 No. 2750; defense document 1643 will be given exhibit
4 No. 2750-A, and will be admitted on the usual terms
5 to the extent agreed upon.
6

7 The parent document is not required to be
8 marked for identification unless either party insists.
9 In view of the agreement of counsel the Tribunal does
10 not require it for verification purposes.

11 (Whereupon, defense document 1629
12 was marked defense exhibit No. 2750 and re-
13 ceived in evidence; defense document 1643 was
14 marked defense exhibit No. 2750-A and received
15 in evidence.)

16 MR. COMYNS CARR: But as I understand it,
17 your Honor, it is only the first sheet of 1629 that
18 is being admitted. The other pages which contain
19 extracts from the interrogations of Keitel and Ribben-
20 trop were excluded.

21 THE PRESIDENT: I said, as the transcript will
22 show, that it is admitted only so far as the parties
23 agreed.

24 Proceed to read, Mr. Cunningham.

25 MR. CUNNINGHAM: Well, now, as I understand it

1 we start to read on page 2, beginning with the fourth
2 line of the paragraph stating:

3 "I refer the Tribunal again to Document C-170
4 and to an entry at page 56 of the document book, for
5 the 20th of April, 1941.

6 "A few sentences from that reads:

7 "'Naval Supreme Commander with the Fuehrer:
8 Navy Supreme Commander asks the result of MATSUOKA's
9 visit, and evaluation of Japanese-Russian pact.
10 Fuehrer has informed MATSUOKA, that Russia will not
11 be touched if she behaves friendly according to the
12 treaty. Otherwise, he reserves action for himself.
13 Japan-Russian pact has been concluded in agreement
14 with Germany, and is to prevent Japan from advancing
15 against Vladivostok, and to cause her to attach Singa-
16 pore.'"

17 Now, I offer to read defense document 1643,
18 exhibit 2750-A.

19 "Excerpt from 'Nazi Conspiracy and Aggression.'
20

21 "VOL. VI, Page 887, '889."

22 Skipping the rest down to the figure 3:

23 "At that time (a 1 above), the Fuehrer was
24 firmly resolved on a surprise attack on Russia, regard-
25 less of what was the Russian attitude to Germany, ---
this, according to reports coming in, was frequently

1 changing. The communication to MATSUOKA was designed
2 entirely as a camouflage measure and to insure sur-
3 prise. Concern lest a note to MATSUOKA which stated
4 his telling MATSUOKA the whole truth. He told me so
5 at the time at a party!"

6 In order to show that the commissions
7 provided by the Tripartite Pact did not function
8 practically and Japanese-German collaboration before
9 and during the war was almost non-existent, I now call,
10 first, witness Alfred F. Kretschmer, former German
11 Military Attache in Japan, affidavit, defense document
12 1519.

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KRETSCHMER

DIRECT

1 A L F R E D F. K R E T S C H M E R, called as
2 a witness on behalf of the defense, being first
3 duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CUNNINGHAM:

5 Q Will you state your name and your present
6 address?

7 A Alfred Kretschmer, Atami, Kanko Hotel.

8 MR. CUNNINGHAM: I ask that the witness be
9 shown defense document 1519.

10 (Whereupon, a document was handed
11 to the witness.)

12 Q I ask you to examine defense document 1519
13 and state whether or not that is your affidavit?

14 A This is my affidavit.

15 Q Are the statements contained therein true?

16 A The statements contained in that are true.

17 MR. CUNNINGHAM: I offer in evidence defense
18 document 1519, and offer to read the same in the
19 record.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1519
22 will receive exhibit No. 2751.

23 (Whereupon, the document above re-
24 ferred to was marked defense exhibit No. 2751
25

KRETSCHMER

DIRECT

1 ALFRED F. KRETSCHMER, called as
2 a witness on behalf of the defense, being first
3 duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CUNNINGHAM:

5 Q Will you state your name and your present
6 address?

7 A Alfred Kretschmer, Atami, Kanko Hotel.

8 MR. CUNNINGHAM: I ask that the witness be
9 shown defense document 1519.

10 (Whereupon, a document was handed
11 to the witness.)

12 Q I ask you to examine defense document 1519
13 and state whether or not that is your affidavit?

14 A This is my affidavit.

15 Q Are the statements contained therein true?

16 A The statements contained in that are true.

17 MR. CUNNINGHAM: I offer in evidence defense
18 document 1519, and offer to read the same in the
19 record.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1519
22 will receive exhibit No. 2751.

23 (Whereupon, the document above re-
24 ferred to was marked defense exhibit No. 2751
25

KRETSCHMER

DIRECT

and received in evidence.)

1 MR. CUNNINGHAM: Skipping the formal parts:

2 "AFFIDAVIT. Name: Alfred F. Kretschmer.

3 Address: Kanko Hotel, Atami, Japan.

4 "Concerning Military Commission mentioned in
5 Document 955.

6 "I was German military attache in Tokyo from
7 December 4, 1940 until May 8, 1945.

8 "During this time the military commission, as
9 such, was never talked about. The General, Military
10 and Economic Commissions were assembled twice as far
11 as I remember; for the first time in 1943 before
12 Mussolini's fall, and for the second time in 1944.
13 Both of these meetings, I am sorry to say, were only
14 empty propagandistic performances. The intentions of
15 these ineffective gestures were to camouflage that
16 nothing was done here in Tokyo which could be called
17 a cooperation between the German and Japanese High
18 Commands. Whether these two meetings were sponsored
19 by the Japanese Prime Minister or the Japanese Foreign
20 Office I do not know. They were not proposed by the
21 German side. All my urgings for a closer cooperation
22 between the German and Japanese High Commands were in
23 vain. Both Supreme Headquarters seemed to be intent
24 on waging their own wars. The bases for this assertion
25

KRETSCHMER

DIRECT

1 are:

2 "1. The outbreak of a German-Soviet hostility
3 surprised me. Within the two months previous to the
4 German attack on Russia, I had sent two telegraphic
5 inquiries to the German General Staff asking whether
6 a German-Soviet war was imminent and how I should
7 answer corresponding hints made by the Japanese General
8 Staff. Both times I had been answered in the negative
9 and was emphatically ordered to oppose such silly
10 rumors.

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KRETSCHMER

DIRECT

1 "2. The start of the Japanese war against
2 the U. S. and Great Britain, and especially the Japanese
3 attack on Pearl Harbor and the Philippines was not
4 expected by me. Although I had been visiting the
5 Japanese General Staff nearly daily at this time because
6 of the precarious situation on the Russian front, I
7 had not been informed about the Japanese intentions in
8 the south, neither officially nor privately. By my
9 various impressions, a Japanese invasion of Siam and
10 sudden occupation of important oil sources in the
11 Dutch East Indies had seemed most likely to me. But
12 I was convinced that the Japanese would in any event
13 do everything possible to keep U.S.A. out of their
14 undertakings in the south. Germany then had to make
15 the best of the situation that Japan had created on
16 December 8, 1941. Just as before, Japan had to put
17 up with the situation created by Germany on June 22,
18 1941.

19 "3. When in the summer and autumn of 1941
20 Germany approached Japan asking her to intervene in
21 the German-Russian war, there never was a clear-cut
22 Japanese reply of 'yes' or 'no.' I could guess that
23 Germany could not reckon with Japan's help against
24 Soviet Russia. It was not before autumn 1942, after
25 the German Foreign Office had approached Japan for

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CROSS

1 the third and last time, asking that Japan enter the
2 war against Soviet Russia that the Japanese General
3 Staff let me definitely understand that a Japanese
4 interference into the German-Soviet war was out of
5 the question. The almost daily explanations of the
6 situation in the Far Asiatic theater of a war were
7 confined to just what had happened. Future events
8 were hardly ever mentioned. The Japanese information
9 to us about Soviet Russia was always very sparse and
10 often worthless. The same reluctance as in Tokyo was
11 manifested, as far as I know, by German High Command
12 concerning the war in the European theater. All of
13 my endeavors to persuade both sides to be more frank
14 were in vain."

15 Signed "A. F. Kretschmer."

16 You may cross-examine.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If it please the Tribunal.

19 CROSS-EXAMINATION

20 BY MR. TAVENNER:

21 Q Mr. Witness, are you familiar with the military
22 agreement between Germany, Italy and Japan concluded
23 in January 1942?

24 A I am only a little -- I have only a little
25 knowledge about it because I came to Tokyo in

KRETSCHMER

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1 December 1940. That means after this pact had been
2 signed.

3 Q Is your information regarding that treaty
4 sufficiently broad that you know that operational
5 cooperation between the two nations was to be divided
6 into zones of operations?

7 A Yes. In a comparatively late time -- I
8 suppose it might have been in January 1942 -- the then
9 Deputy Chief of Staff, G-2, of the Japanese Army,
10 General OKAMOTO, proposed a division between a Japanese
11 zone of operations in the east and a German zone of
12 operation in the west, in the Indian Ocean. I cannot
13 say now the exact degree, but I think it was something
14 about--

15 Q Under the military agreement referred to it
16 was a fact, was it not, that the Japanese Army and Navy
17 was required to conduct operations within the zone
18 assigned to that nation?

19 A As far as I know, this frontier line, this
20 limitation line between the operation zones of the
21 Japanese in the east and the Germans in the west never
22 was actual because both the fighting forces did not
23 come so close to each other.

24 Q That is not my question. I am not asking
25 you to define the exact limits of the boundaries of the

KRETSCHMER

CROSS

1 two zones. I am asking you if you did not know that
2 under the terms of the military agreement, the
3 Japanese Army and Navy was to conduct operational war
4 in the zone assigned to Japan?

5 A I am sorry, I don't know such a paragraph
6 in the treaty. But it may be my mistake, because I
7 don't know this treaty well enough. I only know a
8 telegram of which I was speaking, perhaps in January,
9 1942, in which this proposition was made from the
10 Japanese side; and as far as I know, it was agreed
11 from the German side.
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Q If you did not know of such a provision in the treaty I will now read it to you. Exhibit 49, page 6,681 of the transcript: "Divisions of the Zones for Operations. The German and Italian armed forces, as well as the Japanese Army and Navy, will carry out the required operations within the zones assigned to them as follows." Now, I understood you to state that you did not know that that was the plan for operations.

A I really do not know this treaty. It was signed before I came and I had no special need to read it.

Q When did you arrive in Japan?

A I arrived in Japan in the last days of November 1940, and became Military Attache the 4th of December, 1940.

Q Then you are wrong in your statement that this treaty was signed before your arrival. I gave you the date of it as being January 1942. Did you make a reply?

A I do not understand it totally. We were speaking of the Tri-Partite Pact, and this Tri-Partite Pact, as far as I know, was signed in autumn of 1940, but --

Q Mr. Kretschmer, I made no reference what-

KRETSCHMER

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1 ever to the Tri-Partite Pact, but I plainly stated
2 the Military Agreement between Germany, Italy and
3 Japan, of January 1942.

4 A Now, after you mention the date, I know
5 what you mean, and you are quite right in what you
6 said. But it is quite the same what I mention about
7 this telegram which was proposed and what gave the
8 lines between German and Japanese operations.

9 Q I have not asked you a single question about
10 the boundaries of the zones. I merely asked you if
11 you know that there were zones created.

12 A Yes, there were zones created.

13 Q And, roughly speaking, Japan's zone was in
14 the South Pacific and East Asia, was it not, includ-
15 ing also India?

16 A As far as I know, yes, it was east of the
17 7th degree, as far as I know now.

18 Q Now, when Japan attacked Singapore, was
19 that attack made through the Malay Peninsula?

20 A Will you please repeat once more your
21 question "When Japan attacked Singapore was -- ?

22 Q Was the attack made through the Malay
23 Peninsula.

24 A Through the Main?

25 Q Malay. Malay Peninsula.

KRETSCHMER

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1 A They attacked Singapore from the north
2 and east; that means through the Malay Peninsula.

3 Q Was that attack made in accordance with the
4 plan that you and General Ott submitted to Ribbentrop
5 in 1941?

6 A I am sure that there is not the least
7 connection between this so-called strategic study
8 and the real Japanese attack on Singapore.

9 Q Will you answer my question, please?

10 MR. TAVENNER: Will you repeat the question
11 to him?

12 (Whereupon the question referred to
13 was repeated by the official court reporter as
14 follows: "Was that attack made in accordance with
15 the plan that you and General Ott submitted to
16 Ribbentrop in 1941?"

17 A I must answer this your question in the
18 negative. This study in, I think, February 1941,
19 had a purpose only for our internal -- for us them-
20 selves. At this time, as often afterwards, we did
21 not know anything about the Japanese intentions,
22 and therefore the Ambassador, Ott, wished to find
23 out which were the possibilities the Japanese had,
24 and further to find out which would be the conse-
25 quences of Japanese actions; and for this purpose

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1 Ambassador Ott asked me to prepare-- how to call
2 it-- a sort of war game, on maps and strategical
3 study, and which we wished to speak through with
4 members of the German Embassy. I deliberately
5 stated about this strategical study in my report
6 I handed Mr. Keenan in January 1945. As far as I
7 know, the contents of this study was sent by
8 Ambassador Ott to the German foreign office, but
9 I am sure that the Japanese were not influenced by
10 this strategical study in this war, and I am sure
11 that the Japanese did not receive any informations
12 about this strategical study via the German Embassy.
13 Besides this, I am sure that at this time the
14 Japanese would never have been willing to be
15 influenced by some other country.
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1 Q In preparing your strategical study of a pro-
2 posed attack upon Singapore, you obtained information
3 regarding Japanese strength in men and materials, did
4 you not?

5 A We used for this; our study, only the little
6 knowledge we had about the strength of the Japanese
7 fighting forces and, further, our own suggestions,
8 but I never received at this time any special addi-
9 tional dates.

10 Q Did you not collect material from German
11 representatives through China?

12 A We did not --

13 Q Just a moment. I meant to say, "in China."

14 A We did not receive any news from German
15 representatives living in China.

16 Q Did you not, at the time, call certain
17 German representatives to furnish you with informa-
18 tion?

19 A I am sorry, I don't know what you mean. Are
20 you speaking, for instance, of Mr. Erhardt, and so on?
21 Then I must say that I, personally, was -- in my
22 character as military attache, was strictly forbidden
23 to be in connection with him. I read, I think, in
24 yesterday's Nippon Times, that there was spoken here
25 about German spy ring in Tokyo. I must state from

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1 my side that I don't know anything about a German spy
2 ring acting in Japan. Maybe that someone was talking
3 about this Dr. Sorger. But I, personally, am con-
4 vinced that this Mr. Sorger, who was arrested, as far
5 as I know, in summer, 1940, was not working for
6 Germany and was not working on German order.

7 Q Now, have you any other information you
8 would like to volunteer?

9 THE PRESIDENT: We do not want to hear it
10 unless it is relevant and material.

11 Q (Continuing) Then, let us return to the
12 question that I asked you. Did you receive from
13 German representatives in China information used by
14 you in preparing your strategical study of an attack
15 upon Singapore?

16 A No. I did not receive any such news from
17 China or from anywhere else. I can only repeat what
18 I said in my report to Mr. Keenan, that the Japanese
19 attack on December, 1941 was a total surprise for
20 me, and this, too, as to Singapore -- as to the
21 attack on Singapore.

22 Q It would save a great deal of time if you
23 would confine your answers to my questions, Mr.
24 Kretschmer. You stated that this strategical study
25 was solely for internal purposes of the German

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1 Government. Was not the internal purpose that you
2 referred to of a purpose of inducing Japan to enter
3 the war by the capture of Singapore?

4 A I am convinced that this was not the purpose.
5 I was at this time only two months in Japan; and,
6 before going to Japan, I had paid, for instance, a
7 visit to the German Foreign Office in Berlin and was
8 received there by Secretary of State, von Weizsaecker.
9 Von Weizsaecker had told me that Germany was much
10 interested to prevent the war from spreading, and he
11 told me further that the German Foreign Office dis-
12 liked that the Japanese wished to enlarge their sphere
13 of interest to French Indo-China and to the Dutch East
14 Indies. I am sure that the Ambassador Ott had quite
15 the same instructions as I had received in Germany
16 at the end of November, 1940. Besides this, I know
17 that Ambassador Ott wished only to know what can be
18 done by Japan. We didn't hear anything, neither by
19 official nor by unofficial sources.

20 Q You say it was about two months before you
21 left Germany that you had this conference with
22 Weizsaecker regarding Indo-China and the Dutch East
23 Indies?

24 A It was two days, perhaps, before I started
25 for Japan that I paid my official visit to the German

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2 referred to of a purpose of inducing Japan to enter
3 the war by the capture of Singapore?

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7 visit to the German Foreign Office in Berlin and was
8 received there by Secretary of State, von Weizsaecker.
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10 interested to prevent the war from spreading, and he
11 told me further that the German Foreign Office dis-
12 liked that the Japanese wished to enlarge their sphere
13 of interest to French Indo-China and to the Dutch East
14 Indies. I am sure that the Ambassador Ott had quite
15 the same instructions as I had received in Germany
16 at the end of November, 1940. Besides this, I know
17 that Ambassador Ott wished only to know what can be
18 done by Japan. We didn't hear anything, neither by
19 official nor by unofficial sources.

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21 left Germany that you had this conference with
22 Weizsaecker regarding Indo-China and the Dutch East
23 Indies?

24 A It was two days, perhaps, before I started
25 for Japan that I paid my official visit to the German

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1 Foreign Office. I was ordered to do this, and I got
2 this instruction by the representative of the German
3 Foreign Minister.

4 Q What was the date of your leaving Germany?

5 A I left Germany the 10th of November, 1940.

6 Q And at that time Weizsaecker told you that
7 the Japanese were extending their influence to the
8 Dutch East Indies?

9 A Not that they were extending their influence,
10 but that he feared they would do so. And when I
11 came to Tokyo, my predecessor, called Metzger, told
12 me only that he had the impression that he guessed
13 that the Japanese would take possession of French
14 Indo-China. But he could not agree that there were
15 even the slightest signs that the Japanese wishes to
16 get influence in the Dutch East Indies. This was
17 the opinion of my predecessor, Colonel Metzger.

18 Q Now, will you let me --

19 THE PRESIDENT: Witness, you must not read
20 anything in the box unless you are invited to do so
21 by the Court or with its permission.

22 MR. TAVENNER: If it please the Tribunal,
23 I was asking at the moment you were speaking, or
24 just a little after, that I be presented with the
25 notes that the witness is referring to in the course
of his answer for inspection of them.

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1 THE PRESIDENT: Mr. Cunningham.

2 MR. CUNNINGHAM: We object to that, of course,
3 a very unusual request, and I don't know what right
4 he would have even to make such a request.

5 THE PRESIDENT: I have no doubt about it.
6 The witness read from a document apparently in answer
7 to you and you are entitled to see it.

8 MR. TAVENNER: Yes, sir.

9 THE WITNESS: This is my report to Mr. Keenan
10 and I wish only to read you what I stated in it
11 answering his corresponding questions.

12 MR. TAVENNER: Of course, I object to the
13 witness' voluntary offer to present any document in
14 evidence unless it is in response to my question.

15 THE PRESIDENT: That objection is well taken.

16 Q Did you make a report to Ribbentrop that a
17 Japanese attack on Singapore through the Malayan
18 Peninsula would likely be successful?

19 A I did not. I never made a report to the
20 German Foreign Minister at all, but as far as I know
21 the German ambassador gave notice of this strategical
22 study to Minister von Ribbentrop.

23 Q And did that report reflect that a Japanese
24 attack on Singapore through the Malayan Peninsula
25 would be successful?

1 A I have not read this report but I am sure
2 that every well-educated soldier would come to the
3 same conclusion to which the Japanese came.

4 MR. TAVENNER: If the Tribunal please, in the
5 interest of saving time I feel that I will have to
6 ask that the witness be directed to answer the ques-
7 tions rather than to argue them and to volunteer
8 additional answers not called for by the question.

9 THE PRESIDENT: Be satisfied to answer the
10 questions yes or no, Witness. If an explanation is
11 called for you may with our permission add it, or
12 it may be extracted from you in re-examination by
13 counsel for the defense.

14 MR. TAVENNER: Will you read the previous
15 question to the witness?

16 (Whereupon, the last question was
17 read by the official court reporter as follows:)

18 Q And did that report reflect that a Japanese
19 attack on Singapore through the Malayan Peninsula
20 would be successful?

21 A I am sure that this sentence was written in it.

22 Q Did the attack by Japan on Singapore take
23 place in that manner?

24 A Yes, it took place this way but I am sure
25 there was no other way. The fortress, for instance,

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1 could not be attacked from the seaside.

2 Q Shortly after making the report to Germany,
3 was any message received regarding this question of
4 attack on Singapore by the German Embassy?

5 A I can only speak for my office. I did not
6 receive such an answer.

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1 Q Did Ambassador Ott shortly thereafter go
2 to Germany and have a private conference with
3 Ribbentrop?

4 A Yes, Ambassador Ott went to Germany in
5 March, but I think for another purpose. He accom-
6 panied the Japanese Foreign Minister to Germany.

7 Q And do you know that before leaving for
8 Germany he received a request from MATSUOKA to
9 forward in advance a description of the subject
10 matters he desired to discuss in his conference,
11 that is, MATSUOKA's conference with Ribbentrop?

12 A I did not hear about it.

13 Q You mean that Ambassador Ott did not dis-
14 cuss in your presence?

15 A No, in my presence I am sure this question
16 was not discussed afterwards.

17 Q Were you told by Ambassador Ott upon his
18 return from Germany of the discussions relating to
19 the Japanese proposed attack on Singapore?

20 A No, he did not talk to me about this, and
21 I am sure that he didn't talk about this with the
22 naval attache either because we never heard anything
23 about it.

24 Q Do you know that Germany furnished Japan
25 with two model submarines for use primarily in their

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construction program?

1 A Yes, although it was quite a secret matter
2 I heard about it, but I must emphasize that it was
3 very much later. I suppose that it was in 1944,
4 perhaps. The question could be better answered by
5 the naval attache.
6

7 Q The transfer of those two submarines was
8 effected through the high commands of the German and
9 Japanese governments, was it not?

10 A I am sorry I can't answer just your question
11 because I don't know enough about it. I am neither
12 naval attache nor was I the so-called Wehrmacht attache,

13 Q Do you know whether German engineers and
14 technicians were put at the disposal of Japan to
15 assist in submarine construction?

16 A This being a matter of the naval attache,
17 I merely never heard anything about it. I only have
18 sufficient knowledge about the actions of those
19 German engineers who tried to help to promote the
20 armament of the Japanese Army.

21 THE PRESIDENT: We will recess for fifteen
22 minutes.

23 (Whereupon, at 1445, a recess
24 was taken until 1500, after which the
25 proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Tavenner.

4 BY MR. TAVENNER (Continued):

5 Q You stated you were only familiar with the
6 work of the technicians and personnel sent here
7 in connection with military or army construction
8 work. Please tell us about that, briefly.

9 A In the summer of 1942, Colonel Niemoeller,
10 from the German Ordnance Department was sent by
11 blockade runner to Tokyo to handle special ammunition
12 we call in German "Hohl Roeper Geschap." When Colonel
13 Niemoeller had no chance to return to Germany he
14 received, perhaps a year afterwards, the order to
15 put to work those German engineers living in
16 Japan who had no other business.

17 Q And isn't it a fact that those engineers
18 were assembled and that they gave technical assistance
19 to the Japanese armament industry?
20

21 A No, they worked together. They were not
22 dispatched to different industries, but worked
23 together in Tokyo.

24 Q But that work was designed to aid the
25 Japanese armament industry, was it not?

A It was.

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1 omitted it.

2 Q Then, in January 1944, did you and the
3 German Naval Attache visit the Burma Theatre of
4 War?

5 A Not the Naval Attache, but the Air Attache
6 and I were allowed to pay a visit to Burma, but
7 in Burma we had different trips.

8 Q On this trip did you make similar reports
9 to your superiors in Germany?

10 A Yes, quite the same reports.

11 Q What theatres of war did you visit in the
12 Burma Theatre?

13 A In Burma we saw first the environs of
14 Rangoon. Afterwards, Mandalay, Mendo, and part --
15 the direction of Lashio, and then, Akyab and Sundaway.
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1 Q The military agreement of January 18, 1942,
2 to which I first referred, provides the main points
3 of military cooperation and among them it includes
4 collaboration in economic warfare. What was done by
5 Germany in Japan relating to economic matters?

6 A Before the German-Soviet Russian war started
7 Japan was able to sell us tungsten, rubber, soy beans,
8 and to transport all this via Manchuria and Soviet
9 Russia. Afterwards these same materials were sent
10 via blockade runner. But I must point to the fact
11 that I don't know any details about this. Those
12 things lie out of my sphere of business.

13 Q Do you know whether or not the German Govern-
14 ment, pursuant to this provision regarding economic
15 warfare in the military agreement, sent to Japan what
16 was known as the economic mission?

17 A I don't know any details about it.

18 Q Well, you know who was in charge of it, do
19 you not?

20 A I think that that was Staatsrat Wohltat's
21 special job.

22 Q You know that to be a fact, do you not?

23 A I beg your pardon; I couldn't catch the mean-
24 ing of your words.

25 Q Your answer implied that you were somewhat

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1 in doubt about its being Wohltat who was in charge
2 of this commission.

3 I will state it another way: You know
4 definitely of your own knowledge that Wohltat was
5 in charge of this economic mission to Japan, do
6 you not?

7 A He was here as an economic man -- Oh, I
8 didn't see the light.

9 I am sorry I can't answer this, your ques-
10 tion, because I don't know enough about it.

11 Q Did this mission have branches in many
12 cities in Japan?

13 A As far as I know, not, but I repeat once
14 more that I don't know any details about it.

15 Q In your travels through the countries of the
16 South Seas, which were those occupied by Japan at the
17 time of your trip, did you not find branches of this
18 economic mission?

19 A I didn't find any in the first trip. In
20 the second trip there was a submarine -- commercial
21 submarine base in the South, but that is quite
22 another thing.

23 Q When did this commission arrive in Japan?

24 A Mr. Wohltat arrived here before the German-
25 Soviet war, but I can't say which month.

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1 Q Did not this commission become a permanent
2 organization from the time it was formed until the
3 close of the war?

4 A As far as I know, this commission was stopped
5 here in Japan by the start of the German-Soviet war.

6 Q Did not this commission secure great quanti-
7 ties of raw materials for use by Germany in its war
8 effort?

9 A I am sorry I can't give you any dates, as I
10 don't know anything about the selling or transport of
11 the materials.

12 Q Due to the fact that this commission was
13 handling a matter of great importance to your country,
14 can you not say whether it was considered successful?

15 A I am sorry I cannot, but I think all this
16 was more a question of transportation than of the work
17 of the commission.

18 Q Near the middle of paragraph 2, on page 2, of
19 your affidavit, you state that a "Japanese invasion
20 of Siam and sudden occupation of important oil sources
21 in the Dutch East Indies had seemed most likely to me."
22 Before this sudden occupation of the Dutch East Indies
23 to which you referred do you know that Japan established
24 airports or air bases and naval bases in Indo-China?
25

 A Yes, I know it.

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1 Q Did it seem to you, according to this state-
2 ment, that those air bases would be used to assist in
3 this sudden occupation of the Dutch East Indies?

4 A The Japanese authorities kept their secrets
5 strictly and we had only to guess, and seeing that
6 the Japanese had great difficulties in getting the
7 oil necessary for them, we supposed that it might
8 be possible -- I repeat once more we had only to
9 guess -- we supposed that it might be possible that
10 the Japanese would try to get this oil where it could
11 be get without really fighting.

12 Q So that it was a matter of the use of force
13 if force could become effective in seizing oil in the
14 Dutch East Indies?

15 A I can't answer this, your question, because
16 all what I said was the guess we then had. Our con-
17 viction was that the Japanese side would do everything
18 possible to avoid a conflict, at least with the United
19 States.
20

21 THE PRESIDENT: "That advantages are there to
22 cross-examine him at this great length only to prove
23 that he was deceived by the Japanese? I know he dis-
24 claims that there was cooperation to the extent that
25 you allege, but you rely on your documents, I take it,
Mr. Tavenner. If these documents state the facts,

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1 they disclose co-operation among persons much higher
2 than this witness.

3 MR. TAVENNER: The purpose of cross-examin-
4 ing, if the Tribunal please, on the matter of co-
5 operation is to establish facts that he has already
6 give us in evidence, that is, in the course of cross-
7 examination, some of which is documentary evidence and
8 some of which is not.

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1 Q You disclaim knowledge in paragraph 2 of your
2 affidavit that you had any -- that the German ambassador
3 or at least yourself had no knowledge that there would
4 be an attack or that war would begin in December, 1941,
5 is that correct?

6 A It is.

7 Q You state that you had no knowledge that there
8 would be an attack on Pearl Harbor and the Philippines.

9 A We were totally surprised by this attack.

10 Q And the start of the Japanese war against
11 the United States and Great Britain was not expected
12 by you?

13 A It wasn't expected.

14 Q I refer to exhibit No. 602, page 6,640 of the
15 transcript, in which Ambassador Ott notified the Foreign
16 Minister on 23 November 1941 that the Japanese Minister
17 of War expressed his deepest gratitude for the state-
18 ments made through the military attache. You were
19 the military attache at that time, were you not?

20 A Yes. Will you please repeat once more the
21 date?

22 Q The date was November 23, 1941.

23 A This was without any doubt the German answer
24 on the question put to me by Major General OKAMOTO.

25 Q And what was that question?

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1 A Major General OKAMOTO had asked me to his
2 office and put the following question to me: "Please
3 ask your government if Japan -- if Germany would enter
4 a war -- would enter the war -- Please ask your govern-
5 ment if Germany would declare war against the United
6 States in case there should be a war between the United
7 States and Japan."

8 I asked General OKAMOTO about the circumstances
9 which could give origin to such a war and he told me
10 that it could be possible that in consequence of
11 Japanese operations in the southern regions there
12 could be a war between Japan and the United States.

13 I asked him, thereupon, "Do you intend to
14 attack the United States territory?" And he answered
15 that his question was quite a theoretical one because --
16 he answered that his question was quite a theoretical
17 one and that till now there was never a war in which
18 not both sides pretended to have been attack.

19 Then I asked General OKAMOTO about the move-
20 ments Japan intended in the southern regions, but he
21 declined to answer this, my question. I answered
22 General OKAMOTO that it was quite out of my business
23 to put such a question to the German Government and
24 that if he wished to do so he had to talk to the
25 ambassador himself. He wished to do so but I had

1 the clear feeling that he wasn't under any pressure
2 of time. As far as I know, General OKAMOTO was
3 received by the ambassador the next day.

4 Q Do you recall that about four days earlier,
5 on the 18th of November, the matter of concluding
6 a no separate peace pact had been discussed with the
7 Japanese?

8 A I don't know it and I wish to emphasize
9 that I don't know if this, my conversation with
10 General OKAMOTO, wasn't before this date. I don't
11 know now how these events followed chronologically.

12 Q Let me see if I can refresh your recollection.
13 Exhibit 601, page 6,637 of the transcript, is a tele-
14 gram from Ribbentrop to Ambassador Ott, bearing date
15 of 21 November 1941. After referring to a telegram
16 of November 18, Ribbentrop states:

17 "I ask you to inform verbally the leader of
18 the division of Foreign Armies yourself, or, if you
19 consider it to be more correct, through the military
20 attache, of the following in regard to his remarks:"

21 And I continue to read: "You had made a
22 report on this statement to Berlin and you were told
23 that the idea there of concluding peace or armistice
24 only jointly in case Japan or Germany becomes involved
25 in war against the United States, no matter for what

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1 reason, is looked upon as natural and that one would
2 be entirely willing to put down a corresponding statement
3 in an agreement to be made for this case."

4 Now, you were familiar with this telegram,
5 were you not?

6 A I suppose that this was the answer the German
7 Foreign Minister gave on the question put by General
8 OKAMOTO first to me and afterwards to the ambassador
9 who had sent the corresponding telegram.

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1 Q So, you were familiar with this entire
2 matter and assisted in the handling of it?

3 A I answered this -- I gave this answer to
4 General OKAMOTO.

5 Q Now, on the 5th day of September, 1941 --
6 of December, 1941, according to exhibit 608, page
7 6662, Ambassador Ott telegraphed Ribbentrop that the
8 deliberations were under way in the Foreign Ministry
9 in which manner Japan should open a conflict which
10 could not be avoided.

11 A This telegram I do not know.

12 Q You are familiar, aren't you, with the tele-
13 gram of November 21, 1941?

14 A I don't know its contents.

15 Q In which it is stated that "should Japan be-
16 come engaged in a war against the United States,
17 Germany, of course, would join the war immediately.
18 There is absolutely no possibility of Germany's enter-
19 ing into a separate peace with the United States under
20 such circumstances. The Fuehrer is determined on that
21 point."

22 This is prosecution exhibit 603-A.

23 A This must be part of Ribbentrop's answer too.
24 I, myself, do not remember this telegram.

25 Q Now, having pointed out to you the documentary

1 evidence relating to the negotiations that took place
2 at this time, do you still contend that the Japanese --
3 that the German embassy in Japan, including yourself,
4 did not know that the war was about to break out be-
5 tween Japan -- that Japan was about to attack the
6 United States and Great Britain?

7 A I speak first for me, but I think that I
8 can speak at the same time for the embassy. We had
9 at this time, when Ambassador KURUSU was in Washing-
10 ton, the full impression still that Japan wished to do
11 everything possible to avoid conflict with America,
12 and I, as an officer, could have no understanding at
13 this time for creating a new enemy; that means at a
14 time when the German forces were fighting a very,
15 very hard battle in Russia.

16 THE PRESIDENT: Were you a general officer?

17 THE WITNESS: At this time I was a colonel.
18 I became a colonel in 1942.

19 Q But Germany, with the assistance that you
20 gave it, encouraged Japan to enter into war at the
21 time that Japan should choose by agreeing not to sign
22 a separate peace pact regardless of what the reason
23 for the war between Japan and the United States might
24 be.
25

A I must express emphatically that I did not

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1 stir up Japan to attack America and so did not my
2 comrades in arms. The soldiers had only -- I, in this
3 case, had only to hand this answer, and I am sure that
4 Japan at this time would never have allowed anyone
5 of us to stir her up, for whatever purpose it might be.

6 (Whereupon, a document was handed
7 to the witness.)

8 MR. TAVENNER: I have no further questions,
9 your Honor.

10 THE PRESIDENT: Mr. Cunningham.

11 MR. CUNNINGHAM: I should like to ask the
12 prosecution to tender the document which they took
13 from the witness for identification.

14 THE PRESIDENT: As no use was made of it, it
15 cannot be tendered unless you tender it. You, Mr.
16 Tavenner, I mean.

17 MR. TAVENNER: If the Tribunal please, I did
18 not use the document in cross-examination, and I do
19 not propose to offer it. But, I returned it to the
20 witness.

21 MR. CUNNINGHAM: I will peruse the document
22 and see whether or not I wish to use it.

23 Now, your Honor, we have just a very few
24 questions to ask the witness, and he lives a long
25 distance, and we have no facilities for taking care

KRETSCHMER

CROSS

of him over night.

1 THE PRESIDENT: There is no sufficient reason
2 for sitting beyond the hour appointed for adjournment,
3 four o'clock.

4 We will adjourn until half past nine tomorrow
5 morning.

6 (Whereupon, at 1600, an adjourn-
7 ment was taken until Thursday, 19 June
8 1947, at 0930.)
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